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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,927

Applicant(s)

LESSING ET AL.

Examiner

Joshua D Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-12, 15-23, 26-34, 36, 38-54, 56, 58-74, 76 and 78-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-12, 15-23, 26-34, 36, 38-54, 56, 58-74, 76, and 78-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 11/12/2004.
2. Claims 1, 4-12, 15-23, 26-34, 36, 38-54, 56, 58-74, 76, and 78-100 are pending in this case. Claims 1, 11, 12, 22, 23, 33, 34, 54, 74, and 94 are independent claims. Claims 2, 3, 13, 14, 24, 25, 35, 37, 55, 57, 75, and 77 have been cancelled. Claims 1, 4, 8, 10, 11, 12, 15, 19, 21, 22, 23, 26, 30, 32, 33, 34, 54, 74, and 94 have been amended. Claims 98-100 have been newly added.
3. The rejection of claims 1-7, 12-18, and 23-29 under 35 U.S.C. 102(b) as being anticipated by Dolan et al. (hereinafter Dolan, US Patent Number 5,963,208, issued on October 5, 1999) has been withdrawn due to amendments.
4. The rejection of claims 34-35, 37-38, 43-44, 47, 54-55, 57-58, 63-64, 67, 74-75, 77-78, 83-84, and 87 under 35 U.S.C. 102(b) as being anticipated by Fay (US Patent Number 5,892,513, issued on April 6, 1999) has been withdrawn due to amendments.
5. The rejection of claims 9, 20, and 31 under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. (hereinafter Dolan, US Patent Number 5,963,208, issued on October 5, 1999) has been withdrawn due to amendments.
6. The rejection of claims 8, 10-11, 19, 21-22, 30, and 32-33 under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. (hereinafter Dolan, US Patent Number 5,963,208, issued on October 5, 1999) as applied to claim 2 above, and further in view of Weinberg et al. (hereinafter Weinberg, US Patent Number 6,144,962, filed on April 11, 1997) has been withdrawn due to amendments.

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7. The rejection of claims 36, 45, 50-53, 56, 65, 70-73, 76, 85, and 90-97 under 35 U.S.C. 103(a) as being unpatentable over Fay (US Patent Number 5,892,513, issued on April 6, 1999) as applied to claim 34 above, and further in view of McIntosh (US Patent Number 6,185,576, filed on October 21, 1998) has been withdrawn due to amendments.

8. The rejection of claims 39-40, 59-60, and 79-80 under 35 U.S.C. 103(a) as being unpatentable over Fay (US Patent Number 5,892,513, issued on April 6, 1999) as applied to claim 34 above, and further in view of Chau et al. (hereinafter Chau, US Patent Application Publication Number 2002/0133484, filing date of December 2, 1999) has been withdrawn due to amendments.

9. The rejection of claims 41-42, 48-49, 61-62, 68-69, 81-82, and 88-89 under 35 U.S.C. 103(a) as being unpatentable over Fay (US Patent Number 5,892,513, issued on April 6, 1999) as applied to claim 34 above, and further in view of Chau et al. (hereinafter Chau, US Patent Application Publication Number 2002/0133484, filing date of December 2, 1999) as applied to claims 40 and 43 above, and further in view of Dolan et al. (hereinafter Dolan, US Patent Number 5,963,208, issued on October 5, 1999) has been withdrawn due to amendments.

10. The rejection of claims 46, 66, and 86 under 35 U.S.C. 103(a) as being unpatentable over Fay (US Patent Number 5,892,513, issued on April 6, 1999) as applied to claim 34 above, and further in view of McIntosh (US Patent Number 6,185,576, filed on October 21, 1998) as applied to claim 36 above, and further in view of Weinberg et al. (hereinafter Weinberg, US Patent Number 6,144,962, filed on April 11, 1997) has been withdrawn due to amendments.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 4-10, 12, 15-21, 23, 26-32, and 98-100 are rejected under 35 U.S.C. 102(b) as being anticipated by Schnelle et al. (hereinafter Schnelle, International Publication Number WO 98/34179, published on August 6, 1998).

Regarding independent claim 1, Schnelle discloses a method in which a predefined portion of an electronic publication formed from predefined portions of text-based data encoded using a markup-language, each predefined portion having at least one attribute being a coordinate of an axis of said multidimensional space, wherein local connections among said predefined portions, and any logical connections between those portions and other portions correspond to one or more axes of said multidimensional space (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle). Schnelle also discloses displaying a point on a primary axis dependent upon an attribute of said predefined portion and displaying a second point on a second, viewing axis orthogonal to said first axis, the second point being derived from said first point dependent upon a logical connection between the displayed portion and the portion associated with the second point (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle). Information regarding said second point is displayed in a second

display region, said first and second points being displayed in two display regions (page 16, line 18-page 18, line 9 of Schnelle).

Regarding dependent claims 4-7, Schnelle discloses a method in which any number of points and axes may be derived from the first point for display wherein the points are displayed in two display regions (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle). Navigation abilities are included for navigated between points and axes and returning to the first point, which is an anchor, when required (page 14, lines 9-38 of Schnelle).

Regarding dependent claims 8 and 9, Schnelle discloses a method in which the second axis can represent time-based versions of said selected one of predefined portions and a predefined portion can be a provision of legislation (Figure 4 and page 13, line 38-page 14, line 38 of Schnelle).

Regarding dependent claim 10, Schnelle discloses a method in which the second axis may represent search criteria and results based on one of the selected predefined portions (page 18, line 16-27 of Schnelle).

Regarding dependent claim 98, Schnelle discloses a method in which the second axis can be temporal (Figure 4 and page 13, line 38-page 14, line 38 of Schnelle).

Regarding independent claim 12 and dependent claims 15-21 and 99, the claims incorporate substantially similar subject matter as claims 1, 4-10, and 98. Thus, the claims are rejected along the same rationale as claims 1, 4-10, and 98.

Regarding independent claim 23 and dependent claims 26-32 and 100, the claims incorporate substantially similar subject matter as claims 1, 4-10, and 98. Thus, the claims are rejected along the same rationale as claims 1, 4-10, and 98.

Claim Rejections - 35 USC § 103

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14. Claims 11, 22, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnelle et al. (hereinafter Schnelle, International Publication Number WO 98/34179, published on August 6, 1998) in view of Weinberg et al. (hereinafter Weinberg, US Patent Number 6,144,962, filed on April 11, 1997).

Regarding independent claims 11, 22, and 33, Schnelle discloses a method in which a predefined portion of an electronic publication formed from predefined portions of text-based data encoded using a markup-language, each predefined portion having at least one attribute being a coordinate of an axis of said multidimensional space, wherein local connections among said predefined portions, and any logical connections between those portions and other portions correspond to one or more axes of said multidimensional space (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle). Schnelle also discloses displaying a point on a primary axis dependent upon an attribute of said predefined portion and displaying a second point on a second, viewing axis orthogonal to said first axis, the second point being derived from said first point dependent upon a logical connection between the displayed portion and the

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portion associated with the second point (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle). Information regarding said second point is displayed in a second display region, said first and second points being displayed in two display regions (page 16, line 18-page 18, line 9 of Schnelle). Schnelle does not disclose a method in which a view comprises at least two anchor sets or the ability to adjust the view point to become the new base point. However, Weinberg discloses a method in which multiple anchor sets may be viewed, and that at any time the based point may be changed to a different view point (Figures 1-3 of Weinberg). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Schnelle and Weinberg because it would have allowed navigation of multiple document structures from one view space.

15. Claims 34, 38, 43, 44, 47-50, 54, 58, 63, 64, 67-70, 74, 78, 83, 84, and 87-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnelle et al. (hereinafter Schnelle, International Publication Number WO 98/34179, published on August 6, 1998) in view of Fay (US Patent Number 5,892,513, issued on April 6, 1999).

Regarding dependent claim 34, Schnelle discloses a method in which predefined portions are stored in terminal nodes and one or more higher level nodes are provided for organizing said terminal nodes to correspond with a hierarchical structure embodied in the electronic publication (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle). One of the higher level nodes has a null parent identity and said position indicator indicates a position of said higher level node relative to a sibling node

(Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle). Schnelle does not explicitly disclose that each higher level node consists of the identity of a parent node, a position indicator, and an identifier. However, Fay discloses a method in which one or more higher-level nodes are used to organize the terminal nodes, in which all nodes include the identity of a parent node, a position indicator, and an identifier (Figure 3 and 4 of Fay). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Schnelle with the methods of Fay because it would have provided a structure in which each node could have operated independently.

Regarding dependent claim 38, Schnelle discloses a method in which a modified portion may be stored in the terminal nodes (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle).

Regarding dependent claim 43, Schnelle does not explicitly disclose that each terminal node consists of the identity of a parent node, a position indicator, and an identifier. However, Fay discloses a method in which all nodes include the identity of a parent node, a position indicator, and an identifier (Figure 3 and 4 of Fay). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Schnelle with the methods of Fay because it would have provided a structure in which each node could have operated independently.

Regarding dependent claim 44, Schnelle discloses a method in which a position indicator indicates a position of said terminal node relative to a sibling node (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle).

Regarding dependent claim 47-49, Schnelle discloses a method in which a terminal node includes a predefined portion and a modified portion and a label of said publication, said label is data associated with a higher level node (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle).

Regarding dependent claim 50, Schnelle discloses a method in which the portion includes text associated with commentary (page 13, line 38-page 14, line 38 of Schnelle).

Regarding dependent claims 54, 58, 63, 64, and 67-70, the claims incorporate substantially similar subject matter as claims 34, 38, 43, 44, and 47-50. Thus, the claims are rejected along the same rationale as claims 34, 38, 43, 44, and 47-50.

Regarding dependent claims 74, 78, 83, 84, and 87-90, the claims incorporate substantially similar subject matter as claims 34, 38, 43, 44, and 47-50. Thus, the claims are rejected along the same rationale as claims 34, 38, 43, 44, and 47-50.

16. Claims 36, 45, 46, 51-53, 56, 65, 66, 71-73, 76, 85, 86, 91-93, and 95-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnelle et al. (hereinafter Schnelle, International Publication Number WO 98/34179, published on August 6, 1998) in view of Fay (US Patent Number 5,892,513, issued on April 6, 1999) as applied to claims 34, 54, and 74 above, further in view of McIntosh (US Patent Number 6,185,576, filed on October 21, 1998).

Regarding dependent claim 36, neither Schnelle nor Fay disclose a method in which a portion is associated with a time during which it is valid. However, McIntosh

discloses a method in which documents are associated with a scope, which defines when they are valid (column 31, line 21-column 46, line 45 of McIntosh). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Schnelle and Fay with the methods of McIntosh because it would have allowed easier management of time sensitive material.

Regarding dependent claims 45, 46, 51-53, and 95, neither Schnelle nor Fay disclose a method in which a portion is associated with a time during which it is valid. However, McIntosh discloses a method in which documents (portions) are identified by a combination of identifiers and scopes, which include a start date, end date, and update date which falls between the start and end date (column 46, line 35-column 48 line 67 of McIntosh). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Schnelle and Fay with the methods of McIntosh because it would have allowed easier management of time sensitive material.

Regarding independent claim 94, Schnelle discloses a method in which predefined portions are stored in terminal nodes and one or more higher level nodes are provided for organizing said terminal nodes to correspond with a hierarchical structure embodied in the electronic publication (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle). One of the higher level nodes has a null parent identity and said position indicator indicates a position of said higher level node relative to a sibling node (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle). Schnelle also discloses a method in which the portion includes text associated with commentary

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(page 13, line 38-page 14, line 38 of Schnelle). Schnelle does not explicitly disclose that each higher level node consists of the identity of a parent node, a position indicator, and an identifier. However, Fay discloses a method in which one or more higher-level nodes are used to organize the terminal nodes, in which all nodes include the identity of a parent node, a position indicator, and an identifier (Figure 3 and 4 of Fay). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Schnelle with the methods of Fay because it would have provided a structure in which each node could have operated independently.

Neither Schnelle nor Fay disclose a method in which a portion is associated with a time during which it is valid. However, McIntosh discloses a method in which documents (portions) are identified by a combination of identifiers and scopes, which include a start date, end date, and update date which falls between the start and end date (column 46, line 35-column 48 line 67 of McIntosh). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Schnelle and Fay with the methods of McIntosh because it would have allowed easier management of time sensitive material.

Regarding dependent claims 56, 65, 66, 71-73, and 96, the claims incorporate substantially similar subject matter as claims 36, 45, 46, 51-53, and 95. Thus, the claims are rejected along the same rationale as claims 36, 45, 46, 51-53, and 95.

Regarding dependent claims 71-73, 76, 85, 86, 91-93, and 97, the claims incorporate substantially similar subject matter as claims 36, 45, 46, 51-53, and 95.

Thus, the claims are rejected along the same rationale as claims 36, 45, 46, 51-53, and 95.

17. Claims 39-42, 59-62, and 79-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnelle et al. (hereinafter Schnelle, International Publication Number WO 98/34179, published on August 6, 1998) in view of Fay (US Patent Number 5,892,513, issued on April 6, 1999) as applied to claims 34, 54, and 74 above, further in view of Chau et al. (hereinafter Chau, US Patent Application Publication Number 2002/0133484, filing date of December 2, 1999).

Regarding dependent claims 39 and 40, Schnelle discloses a method in which XML data is divided into predefined portions (page 18, line 30-page 19, line 25 of Schnelle). Neither Schnelle nor Fay discloses a method in which predefined portions are stored in flat file records. However, Chau discloses a method in which portions of an XML file or stored in flat file records (page 5, paragraph 0078). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Schnelle and Fay with the methods of Chau because it would have allowed a user multiple ways to have stored the entire file, rather than simply in a database.

Regarding dependent claims 41 and 42, Schnelle discloses a method in which a terminal node includes a predefined portion and a modified portion and a label of said publication, said label is data associated with a higher level node (Figures 3 and 4 and page 9, line 8-page 10, line 20 of Schnelle).

Regarding dependent claims 59-62, the claims incorporate substantially similar subject matter as claims 39-42. Thus, the claims are rejected along the same rationale as claims 39-42.

Regarding dependent claims 79-82, the claims incorporate substantially similar subject matter as claims 39-42. Thus, the claims are rejected along the same rationale as claims 39-42.

Response to Arguments

18. Applicant's arguments with respect to claims 1, 4-12, 15-23, 26-34, 36, 38-54, 56, 58-74, 76, and 78-100 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
May 11, 2005


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